

## **PLANNING BOARD MEETING**

**Jan. 12, 2015 - Amesbury City Hall Auditorium**

**62 Friend Street, Amesbury, MA @ 7:00 P.M.**

**Meeting called to order at 7:06 P.M.**

**Present: Robert Laplante, Ted Semesnyi, Scott Mandeville, David Frick, Karen Solstad, Lars Johannessen.**

**Absent: Howard Dalton**

**Also Present: Nipun Jain, City planner; Paul Bibaud, Recording Secretary.**

**MINUTES: Dec. 8, 2014 - Approved**

**Voting for Board Seats for 2015: Ted Semesnyi nominates David Frick for Chair and Howard Dalton for Vice Chair. Motion seconded by Lars Johannessen. AIF.**

**FORM A APPLICATIONS: NONE.**

**SIGN APPLICATIONS: Amesbury Animal Hospital, 277 Elm Street. Dr. Smith Nipun Jain:** The applicant was informed by the subcommittee members that they had a few questions. They will discuss those this Thursday.

**Motion was made by Lars Johannessen to continue this hearing to Jan. 26 meeting. Motion was seconded by Scott Mandeville. AIF.**

**PRE-APPLICATION CONFERENCE: None.**

**PUBLIC HEARINGS: None.**

**CONTINUED PUBLIC HEARINGS:**

**HATTER'S POINT – SITE DEVELOPMENT PLAN, PHASE II.**

**Modifications to approval of 2008 plan. 60 Merrimack Street – PH 11/10/14**

**HATTER'S SPECIAL PERMITS (3) 60 Merrimack Street, Application for Special Permits as stated in letter dated Nov. 7, 2014, items (i) through (vii). (PH= 12/8/14)**

**Robert Laplante recuses himself from this hearing.**

**David Frick:** At the last public hearing, a number of questions were raised. I made a list: how much dirt was being removed, what the truck route was going to be, cross sections of excavation, proximity to the road, height of the wall built to hold that, updated traffic study, fire dept. had water issues, consultant raised a height issue, and also perhaps the design committee ought to meet to go over design aspects pursuant to our regulations. The representatives of the Hatter's Point project are here to speak.

**Larry Smith, managing director of our newly formed LLC, Hatter's Point Capital:** We've been busy since we last met. We've met with police, fire, DPW, presented twice to a technical review team that Nipun put together, building department. We have another

technical review meeting planned for Jan. 20. We've since that time gotten approval from the Historic Commission, started the NOI with ConCom, and waiting for that peer review to begin, we submitted the height narrative, and also reduced the height from 64 feet that was in the application down to 62 feet. The earth removal estimate was reduced by about 25%. Traffic study has been submitted. A phasing plan has been submitted. The shadow study, both graphical and narrative has also been submitted and should be in your package, and we answered all questions on the peer review, the MEPA notice of project change was submitted, we submitted an application to the national heritage endangered species act, and we've filed for a Notice of Project Change Chapter 91. We have our engineering and architectural teams here tonight to answer any direct questions you might have. We're hopeful that after this meeting and the next technical review meeting, that on Jan. 26 we will have answered all questions that would've been asked.

**Lars Johannessen:** I have a few questions. I noticed you have fire places in the units. Where are they venting out? What is the banding on the street side that you have on the EFAIS? It is only represented in only four window slots in the whole building. Well, this is design review stuff, so we can talk about that there. Concrete flower pots in front of the glass railings, windows in the stairwells as far as wondering why there is none of that on it, and most of my stuff is design review things that can be taken up at that time.

**Nipun Jain:** Going back to the update part of the project as Larry had mentioned: we had met last week to go over the supplemental information that the applicant had provided. They were working on a few of the other items that, in their response to the PLB consultant, had mentioned that they would be providing. So some of the questions that you alluded to, they will be providing very shortly to the PLB. Certainly as related to the truck traffic route being one of the items mentioned in the memo that you should have a copy of the responses, along with cross section details along Merrimac Street to be provided in detail and to be reviewed at the Jan. 20 technical meeting, where all the departments heads meet, such as fire, DPW, etc. The performance standards we hope to wrap up at that meeting and the board's consultant is reviewing supplemental information and providing PLB with an updated memo. Re: design standards pursuant to our regulations, we are going to suggest to the applicant to meet with the subcommittee of the board this Thursday, so that they can go through the standards and make sure that the project can be checked off on that matter. If PLB has questions on either the technical or the design aspects, we can take them all in and give it to the applicant, so they can respond to that, either at the design workshop or at the tech meeting.

**Larry Smith:** That works for us, thank you.

**Karen Solstad:** I'd like clarification next time you are in front of us about the trip generation report. They calculated trip generations were going to be half of what was calculated in 2005. I'm confused by that. The original plan was for 105 units, and now it is 87 units, so I don't know how the trip generation could be less than half the last report.

**Lars Johannessen:** Re: the sheet walls that you plan to install to dig out the work there. There are lots of old stone foundations around there. The process of putting down sheet walls could vibrate them. My concern is for the abutting houses, what will happen to their foundations? Is it necessary to have a survey done on the foundations as they exist now, and a re-check as they exist afterwards?

**Larry Smith:** Almost like a blast survey.

**Ted Semesnyei:** Closely related, there is a stone wall right across the street from where the building is. I understand it is compromised. So with the size of the proposed construction, what plan is in place in case something happens to further weaken that wall?

**Larry Smith:** We can put a plan in place for a survey.

**Nipun Jain:** We talked about it, Larry, that is where your consultant, the geo consultant, is looking at: what is the best way to put up that wall to shore up Merrimac Street. So I think that some of your questions, once we get the report, it will probably be indicated what is the best way to do the construction to do the cut so close to the street while still allowing public safety issues to be addressed adequately.

**Larry Smith:** Correct.

**David Frick:** Have all the studies and information that they've given us been passed on to our peer consultant?

**Nipun Jain:** The last set of supplemental information that we received Dec. 31 has been provided to the board's consultant, and in that report, the applicant's engineer had indicated that they still need to update some information and they are working on it. Once we receive that, we'll provide it to the consultant, to make sure that they can sign off. The applicant still has information to supply.

**David Frick:** Is it the hope that we have the next hearing on this on the 26<sup>th</sup> or Feb. 9?

**Nipun Jain:** Once this information comes in to us tomorrow, our goal is that the PLB consultant will be able to finish the review before the Jan. 20<sup>th</sup> technical meeting. If there are still any outstanding issues at that time, we can discuss those with the applicant's team and our team, with the consultant at that meeting, and hopefully the technical issues would either be resolved by way of discussion or through follow up, and there would be either no issues left by Jan. 26 PLB meeting, or if there are, they would be minor issues that the PLB could discuss at that meeting with the applicant. Re: design, we'll meet in a design workshop this Thursday, so we'll go through that checklist and the applicant will have time to consider any comments made at that time, to be able to resolve in the following week, so that when we come back to the Jan. 26 meeting, we hope to narrow down the issues, if there are any left at that time, and see if the board can move forward on the project that night.

**Karen Solstad:** You said the average height of the building was reduced from 64 feet to 62 feet. With plans, what was changed that brought that down? How you calculated it, or you made the actual high points of the building lower?

**Kenneth File, architect with J.D. LeGrasse and Associates:** It was a calculation. We had to clarify. One, there was an application, which had it at 64, then the actual grade plain we had to re-calculate and it came out to 62 feet. The actual height of the building has not changed, it was the calculation changed. The maximum height of the overall project is still at the 72 foot level. That is the true height, based on the grade.

**David Frick:** And that compares to what height on the original plans that were approved way back when?

**Kenneth File:** Our highest point is 72.4 from zero. When you actually take it from civil drawings, our zero is elevation 14, off of mean ocean height. Looking at the building height narrative, there is a plan AS01. The building height from parapet to grade at the corner is 53 feet 4 inches. The building height to the highest point to grade is 63 feet 4 inches. In this corner of the building, the height from parapet to grade is 55 feet. Building

height from highest point to grade is 58 feet 4 inches. And this corner, the building height parapet to grade is 68 feet 6 inches. The building height from the highest point to grade is 71 feet 10 inches. But when you take into account from the road aspect, in this point the parapet to the road is 47 feet 4 inches. To the highest point is 57 feet 4 inches. The road slopes. The highest from the parapet to the road is 46 feet in this corner and 49 feet 4 inches from the highest point to the road. The average grade plain to the highest point of the building is 60 feet. Average grade plain is calculated all around the building. The pop ups in the back are at 71 feet 10 inches.

**Karen Solstad:** You have all these different ways of calculating the height based on average grade and all these other calculations, if we take the approved plan originally and compared it to this, where the 71 feet 10 inches now, how much higher is it along that whole upper level?

**Kenneth File:** This is the previously approved plan. This average grade was actually a little bit lower than ours. They had a height of 55 feet from average grade, and we had a height of 62 feet from our average grade. Their building was much deeper, so they had much more lower grade around the back than we do. But it is figured out the same way.

**David Frick:** What if you compared just the average height of the two proposed buildings to one another. What is the height difference to one another?

**Kenneth File:** Still 7 feet. It remains the same to the highest point.

**Larry Smith:** I think it should be noted that the former developer's height calculations would probably not have worked. As an example, the garage from the former developer's project would not have allowed handicapped accessible vehicle into the garage, it was so low. So there were a number of items in that former plan that would've never worked. There is some indication of that in the narrative that was sent to you, as well.

**Brian Amero, residing on Merrimac Street:** I'd like my letter here to be included into the record. It is a summary of my comments. I respectfully request the PLB to reject the special permit to increase the height of the Hatters Point development plan beyond the height which is currently permitted. We live in a neighborhood of small antique houses. This complex is already one of the largest buildings in the city. The proposed increase in height really creates a towering structure. We talk about average heights and so on, but if you look at it from the point of view of the side that is abutting my house, it is going from a much smaller building to a much larger building. We see the mass of this building may be a larger height, but there is a footprint change involved also, so it is not only changing height but also changing in the layout. We understood there would be further development and the permits were granted. We were comfortable with that. We knew what we were getting into. The height of the proposed building that we have today is really quite different from what we had envisioned. Other concerns we have: this is a major construction. We do have a fairly fragile foundation on our house, but I'm concerned about vibrations and earth removal. We're hoping steps can be taken by the contractor to reduce ground vibrations and to prevent or reduce damage to our home. If any damage does occur, the contractor should be obligated to quickly repair the damage at their cost. We're also concerned about past contamination on the site. We live very close, so any dust is going to drift onto our property, and we are concerned about heavy metals that may be contaminated in that dust. We believe tests should be conducted as the construction, and especially during earth removal portion of that is taking place. We'd like to see the results of that test digging made available for public review. We



recommend steps betaken to mitigate the impact of that dust as much as possible during construction. Thank you.

**Dana Hathaway, 9 Swetts Hill:** I have provided the PLB with copies of a letter I've written that I'd like put into the public record. We're opposing the current form of the over-development. We're in favor of development, but not this development. It is too intensive and too much.. I was in Nipun's office this morning looking at the drawings. I want to strongly urge and clarify the situation. In the package that Nipun has, there is an elevation drawing that clearly, with a red line, shows the new elevations and the old elevations. The difference is dramatic. This is a major new building, not a renovation. I looked at drawing A5.0 from the package submitted for this meeting. It shows a number of 72 feet from baseline. If you subtract the elevation of Merrimac Street, you get approximately 56 feet above Merrimac Street for 320 feet, right along the street. Not a good idea, in my world. This literally and figuratively puts Merrimac Street and the adjacent neighborhood in the dark. I know there has been a solar study. In my estimation, it is incomplete and inadequate, and I hope that you give it a complete study. It shows that at 9 AM in the winter, neighborhood houses are completely dark in the shadow. Miraculously at noon, they are not. We don't know about 10 or 11 AM. For \$95, you can buy a program that does a day's animation of where the shadows fall through the day from the buildings. Simple. I call this architecture "mammoth." It is a mammoth style and a mammoth size. It doesn't fit or compliment in any way the residential neighborhood it is being jammed into. A significantly telling part to me is, if you look at this architecture, It began as some sort of symmetrical design. On the west side, you start low, and then the buildings start to creep up to the water tower as a centerpiece. Then in phase II, something took over. There is no symmetry. It is out the window, and profit is in. As the building continues towards the east, it just gets bigger and bigger, and ends up at its largest size at the eastern end. It's like this great big building is being kept separate from Phase I. The two pieces are not even architecturally related. Another issue here is this: I know the PUD gives the board some leeway to do this. This is a structure being dropped down into a PUD that is surrounded by R20. These R20 people have setbacks, a half acre minimums and everything. This building doesn't even have a setback. Evidently, they can put the building anywhere they want to. That is an issue. The PUD, we talked about a global plan for the town and what was going to happen. It was a way to mix some light business and housing together, and develop some commerce and things. This isn't that. This is being used to build a high rise. It may belong in the center of town; it does not belong in a residential neighborhood. That is why we are opposing it. Thank you.

**Bill Parker, Hatters point resident since 2003:** I'm a registered professional engineer. I have spent most of my career in design of buildings, working with structural engineers and architects. So I have a basic understanding of what some of the construction problems are and some other issues related to this. Furthermore, I remember back around 1980. An architect in Newburyport, Dick Gardner, designed a master plan for that area, which he was going to develop something similar to what you see today. It was quite a bit longer, about 10 years to when Bill Sullivan came along. Dick Gardner was not able to being the project along, because all of his working capital was spent on environmental studies in order to get the site permitted. I fell in love with the concept of the development of that area, and at the time, we were living in West Newbury. We would go across the bridge and come down this way just to look at that structure. Over the years,

we saw it continue to fall apart, especially on the down river end. Then when Bill Sullivan finally took it over and started developing it, we were one of the first ones that bought space. We thoroughly enjoyed it. It has been a good project. I can tell you that in looking at what Bill did, and what's been done now, what you are getting this time is a structure which the volume is 20% or more smaller than it was before. All of the units face out onto the river, which you have to with any project like that. Yes, the height of the building is higher, but looking back at what Bill Sullivan's architects had done, they kept redesigning because cost went up to them. So they kept trying to squeeze more into it. Therefore, they were doing everything they possibly could. One thing was to set the elevations between the floors too close together. It was close to a foot. That is why the building is taller. As far as the area itself goes, there is a mill there. It has been there for 100 years. So this idea of mixed zoning is a little bit skewed. The idea that you buy a piece of property in the area, you don't know that there is going to be some development. I think you've got to consider that when people buy a property, they do their own due diligence, they understand what is happening and what is there, and they buy the property accepting the fact that things are going to change. Thank you.

**Larry Smith:** Two brief comments: the shadow study was done according to industry standards and the peer reviewer suggested it be done, and it was presented exactly that way. We even enhanced the shadow study to include 56 Merrimac Street, at the recommendation of the board. We believe, if you looked at the shadow study, both the narrative and the graphic, it is not that much shadow different on Merrimac Street than it is with the current existing building. So please look at that. Re: the size of the building, the prior developer's building design was a monstrosity. You could almost see the difference in the mass between the two. Although at the highest point, we are 7 feet higher, when you talk about the much less mass, which is about 30 % less, and 20 units less (65 units cut down to 45 units), changing that overall design could potentially make the project financially viable. I want the board to keep in mind the mass that was there before, and how much less is there today. Thank you.

**Karen Solstad:** I do have the shadow plan for the previously approved plan and for the plan that you are proposing. Question: I don't see any shadow plan that shows what the shadow was when all the original mill buildings was. That was a previously approved plan. Also I have the 2008 study. I'm very interested in what the shadow plan looks like for the existing and torn down buildings, what was there as a part of the mill.

**Larry Smith:** I have shadow studies done on the current building. This is the existing building, but not for the mills that were there previously. This is the 2008 proposed plan that we shadow studied.

**Karen Solstad:** So you don't have what the current state is, or what it was before some of the buildings came down?

**Kenneth File:** I don't have that information, what the existing mill was.

**Karen Solstad:** We have it all here in our plans. So it should be pretty quick to do a shadow study with that.

**Larry Smith:** I'm not sure what you are referring to. Are you referring to the wall that exists today that has to be demolished?

**David Frick:** And how it actually was in its height when it was fully erect. We want to tell if the height of that was more closely related to what you are going to have today, then it could possibly be favorable to you folks.

**Karen Solstad:** This is basically the base line of what was there ten years ago, right?

**Scott David:** We'd have to research that. When Bill Sullivan passed away, a lot of the records passed with him. What we do have, we've submitted to the city and gone through the records that the city has, and that file is incomplete too.

**Lars Johannessen:** I think Mass. Historical may have records.

**Scott David:** They may, but we can't guarantee that we can do a shadow study on something that we don't have. We can attempt to do it.

**Karen Solstad:** Why don't you give it your best shot, with what you have on this plan.

**David Grover, 63 Merrimac Street:** I want to address the shadow study. At 9 AM, most of my yard across the street is covered in shadow, which currently at sunrise, the sun comes up over the trees and into my house. We like that. At noon, it is just past my house in winter. That is a huge difference. This is a busy street, but we're up high and have a secluded house. Maybe one person can see into our yard. With the way this building is being designed, we're going to have 45 units peaking into our backyard. The old plan wasn't as bad, because it was all walkways on the back side of the building. As far as shadows, at 9 AM it is just on our house. You can say it is not a big difference, but it is. But the shadows are a big difference. Thank you.

**Jack McIlhenny, attorney for Hatter's Point Capital:** To respond to Mr. Hathaway, I point out as a matter of fact that Mr. Hathaway filed a legal appeal to the prior permits for this project in 2007. It probably was a reason this project never got completed then. It took two years to resolve that appeal. That law suit with settled with prejudice. He signed the settlement agreement, and received a payment of \$7500 at that time. We believe he has contractually waived his right to object to the project at this point, as a legal matter. But as a minimum, if he is going to stand up here and oppose the project, he should consider refunding the \$7500 to the H.O.A. Mr. Arcieri is the other abutter who is a party to that appeal. He has met with us. He has submitted a letter of support for this proposal. Thank you.

**Motion was made by Lars Johannessen to continue this meeting to the January 26, 2015 Planning Board meeting. Motion was seconded by Ted Semesnyei. Vote was unanimous.**

**AMESBURY HEIGHTS – 36 HAVERHILLROAD, 40 R, Map 86, Lots 25 and 47. (PH = 12/8/14).**

**Nipun Jain:** This is a continued hearing. Mr. Buckley is here to speak on the project.

**William Buckley, attorney for Boston North Properties, LLC, owners of the site:**

I'm here representing both the owner and the applicant this evening. Sean McReynolds works for Corcoran and Jennison, a new partner in the project. Brief report: we covered lots of ground at our meeting in December. Since then, we've had many meetings with town staff. We had a technical review meeting that included representatives from the police, fire, DPW, building commissioner, and City Engineer as well, going through detailed aspects of the project. We also prepared submittals to the town and board, some of which went to Nipun. We provided additional information as was requested regarding 6.3 of the 40R requirements, which is how we are going to market and qualify the affordable units. We completed our application on that. We submitted additional data on the technical record, to make sure that there was appropriate peer review responses and

all those files from the prior ZBA application. It is all documented for the PLB file. There was discussion with the city talking about pedestrian access to the main road. Until a sidewalk is constructed, or until there is a project in front of the parcel, which is the old Toomey Ford / Paint Shop on Route 110, until that is developed, the safest pedestrian access a bus stop would be down this emergency access road that is provided with the project that connects right up to any bus locations at North Martin Road. We also had questions regarding retaining walls, and that there was a lack of a typical retaining wall design. So we've provided some of that information that the town engineer requested. We've also prepared a new elevation of the project. We sent an electronic copy to Nipun today. We still have some additional work to do: additional meetings with Nipun and to close the loop on some of these outstanding comments from town departments. We have to satisfy any other comments or concerns from various departments. We spoke with the fire dept regarding the emergency access there. They've asked for some modifications to that. That is the overview of where we've come in a month. A good next step would be to start to look at the original ZBA decision that was prepared for this project and start to formulate a draft of which conditions would be transferable as most of them would be to any type of potential 40R approval. Tonight we formally request to work with Nipun to formulate what that would look like, as we continue to satisfy any dept concerns and PLB questions.

**Nipun Jain:** The project is exactly the same as proposed and approved during the Comprehensive Permit Approval process by the ZBA. The project has been filed under the 40R regulations and so there are a few minor changes in the set of performance standards and requirements under the 40 R local regulations. That is really what the city's discussing with the applicant, to make sure they can sign off on those set of regulations and further permit of the PLB. As part of the review process and PLB comments, we discussed with the applicant the emergency access cross section details for comments from the fire dept. There were also discussions on potentially using that as pedestrian access to get to the bottom of the site on Haverhill Road, as a possible bus stop location. We're still finalizing that discussion re: cross section and how it can be laid out, given that that is a sloped site in the general vicinity of the emergency access road. We did get information on the retaining wall design. There will be details required for that, and can be made a condition of approval prior to issuance of a building permit, so that you have the necessary details. We have to go through the building design itself, that we have yet to discuss. There are some design standards in the 40R regulations. I suggest to the board that we do the same thing we've done on the Hat Factory, to sit down with the subcommittee and go through the list under the 40R and see how this building design qualifies and where are the areas that the applicant needs to hear what may need to be updated. I spoke with the applicant's architect and they had some ideas of what sort of design elements could be introduced. I think it will be best served if the discussion was with the architect of the project. The applicant responded to the storm water related comments raised by DPW. There are no significant changes to the infrastructure in the area. Since the project hasn't been modified from the original approval, there is no substantial change in the infrastructure itself or upgradation required. However, as part of the conditions, DPW will require that before they pull a building permit, they verify with the DPW if any services have to be upgraded at that time. We're looking at the final package re: infrastructure and sign off in time for the committee meeting on Jan. 20, and



make sure that there are no outstanding issues on the technical issues, taking design and technical to be completed. Not many significant issues are remaining, because there is no project change. We hope to get back to PLB by Jan. 26 meeting.

**William Buckley:** Re: traffic study being updated, we are going to provide a technical memorandum which would review the prior traffic study, and the peer review comments, just to have something for the PLB that shows... internally we've discussed it, but we don't anticipate any significant changes, because there hasn't been any significant development in the area. We will be providing a detailed traffic memorandum to PLB.

**David Frick:** looking at the plan, just the logical flow of people walking on the site, it seems to me that coming out of building 3 and heading to the clubhouse for instance, it isn't logical for people to walk down here to the corner then walk up. It seems to make sense to have something that cuts across at a mid point. Other things too, like coming from building 1, I can't see people walking all the way around here. Maybe have something that cuts through about here? Maybe pavers, or extend the asphalt this side of the curbs, so people have a spot to walk. Logically, they are not going to walk the long way.

**Nipun Jain:** What happened, Bill, is because of some revisions to the storm water, they removed what was originally proposed as a raised landscape area, so it could sheet flow into that bio retention grass area. So you can still have that. There's no stop to the sheet flow, but if you extend the pedestrian area beyond the parking, it is a clear demarcation of pedestrian access.

**David Frick:** The only other thing is you're going to have this emergency access coming out to route 110 on the westerly side. Logically, if you're in building 1 or 5, you think someone is going to walk all the way over here to this sidewalk and all the way around? I think they're going to cut through here. Could we possibly have even a gravel path or something?

**William Buckley:** That may actually be paved. We're thinking about that serving as pedestrian access back to 110. It'll be gated on both ends. We'd allow that as a pedestrian corridor. We anticipate maybe a smart growth 40R commercial development along the front of that parcel. We can design the gates for that emergency access road to include a pedestrian pass way.

**Scott Mandeville:** Given that area is probably targeted for pedestrian use, you should probably have a plan for lighting the area for safety.

**Karen Solstad:** You have the clubhouse on the plan. What is all this land to the west of the clubhouse? There's a clubhouse, a pool, then a big open space.

**William Buckley:** It is open space...green space. It'll be somewhat depressed in nature, although it's part of the storm water management plan. It isn't designed to retain water, but it would hold water in a hundred year storm event, as part of the low impact drainage design. That water would slowly infiltrate through that area.

**Nipun Jain:** We discussed that aspect of the landscaping plan during our original review during the ZBA. Because of environmental regulations, it could not be used for active recreation. They had to meet certain other standards. It will be open, landscaped but it could not be used for recreational activities.

**Lars Johannessen:** Are there other areas on the property to be used for picnicking, recreation, swing sets, etc. like a pocket park for kids to play in?

**William Buckley:** There are. The 40B approval actually talked about identifying at least some internal trails. There's a lot of conservation area being set aside. Sean's company will be managing and owning it, so he can address that better than I. I believe there were areas targeted for picnic areas, grills, etc.

**Nipun Jain:** We have to discuss waivers needed before the design workshop. That could be formulated during the design workshop. There are some waivers that you may need, but not really that many. You'd have to request the PLB to request those waivers under the 40R provision which grants the PLB the authority to grant those waivers. Mostly granite curbing, etc. for waivers. It is mentioned in your application. There may be one or two waivers involved there. Pertaining to design and another one to the curb cut along Route 110. In the traffic review, there was a lot of discussion about making turns onto 110. For site lines to be accommodated, they had to make the entrance wider. It is based on engineering reasons why that waiver would have to be requested. But those are the only ones I can remember. I leave it up to the design subgroup of the PLB as to when to meet, but it will either be this Thursday or potentially next week. I want the architect, David White, to be there.

**William Buckley:** Obviously, the intersection of 150 and 110 is being re-designed and upgraded to current state standards as we speak, with all the improvements to maximize safety. There will be left hand turn signs in both directions, I believe, north and south, on the plans. But that may have been an initial memo based on past plans.

**Nipun Jain:** Actually, the 75% design plans are in the design package. We'll make note of your comment and make sure that DPW can also verify, because they have to sign off as a city on those plans before it goes to 100% design.

**Jim Thivierge, School Street:** I've been coming to these meetings off and on for 40 years. I listened to the presentation on this project as they spoke of the value that they bring to the community, the valuation. In this case, it is \$40M. I thought, I'm going to look at that latest bond issue and I'm going to see who the largest taxpayers are. Well, if this goes through as presented, at that evaluation, there the largest taxpayers. I think ... \$40M. Having done this I know it is not \$40M, it is actually \$0.40. Because when you take the \$40M and add it to the tax base, it being 1.844 billion, and you take that \$40M and you add it on, just isolating it, it is \$1.884 billion. Doing a comparison on the levy, the current tax base at 1.844 billion is 20.53. I've always wondered whether or not this figure that they throw out of "we're bringing \$40M." But do they? So they have \$40M into it, which is 1.884 billion. If you put it into that same levy, which is \$37, 874,461. Under the prior tax base, it is 20.53. Adding in their \$40M, it is 20.10 tax rate. The burden is something else. Of our 10 top tax payers, they become #1. But they become the 6<sup>th</sup> apartment complex in the top ten. So you have 6 apartments and 3 utilities.

Apartments greater than 9, their assessed method is net income. Utilities is personal property. The total new valuation in this community went up \$85M. 99.5% of that is residential. See the picture? Classification is when you decide whether to shift the burden onto commercial, industrial, and personal property, or just keep it at residential. Well, they decided not to shift it, as they usually do, and I opposed that. This year, apartment complexes on average, went down. Their values went down. All of them. So now we have another apartment complex coming in here, wanting a piece of the action. This year, that residential taxpayer is going to foot 99.5%, because it coincidentally, although apartments are human habitation, is residential. But commercial, industrial and personal

property, they go down, so residential taxpayers hold the whole bag here. But we now have one more guy in the top ten from apartments, they are going down. So I looked at it and said “ok, we know they’re going to give us, if you isolate it exclusively, \$0.43. So let’s look at expense. You say there will probably be 22 kids on 254 units. I find that a little low. But, one placement (sped placement) can cost from \$40K tall the way up to \$100K. We don’t know what will happen. Another problem is school and choice sending out, and that costs us \$600,000 going out. So I don’t know what mixture this will bring. But the problem is, it seems to be a losing proposition. I want to bring to your attention that it is not \$40M and \$0.43. For every 100,000 expense, it is going to cost you a nickel. Your at 20.15. The PLB needs to protect that evaluation. I wrote that letter to you after 40 years of sitting here listening to these guys. So look at that letter. The taxpayers should not have to subsidize all this. When you factor in fire, police, incidents, DPW, roads, water, sewer, etc. Think about it.

**William Buckley:** In closing, we’re proposing in the changing of the permit, we firmly believe that the changeover from 40B to a 40R permit really is in both our best interests. I wanted to point out to Mr. Thivierge that we’re not seeking a new approval. This is a bit of a hybrid rarely seen in front of the boards. This is a project that we can start to build this spring, with or without the PLB approval. We’re willing to accommodate the PLB in any way possible.

**David Frick:** So you’re working on traffic, storm water is done, we need DPW sign off, we will do design / architectural review stuff with the subcommittee, you’ve addressed the paths both within the complex and out to 110. My thought is that we’re not too far from asking staff to draft recommendations so the PLB can make a decision. If not at our next meeting, then the following meeting. We’re getting close.

**Nipun Jain:** We’ll take the direction of the board on some of the issues that you’ve raised here, and work with the applicant.

**Motion to continue this to the January 26, 2015 meeting was made by Scott Mandeville. Motion was seconded by Karen Solstad. AIF.**

**HUNT ROAD SOLAR, LLC, 56 SOUTH HUNT ROAD. APPLICATION FOR SITE PLAN APPROVAL, SOLAR PHOTOVOLTAIC FACILITY, MAP 95, LOT 5, submitted by Tighe and Bond, Inc. (PH=12-8-14)**

**Ray Onunga, representing Hunt Road Solar, LLC:** We were here on Dec. 8, met with the departments in a meeting coordinated by your City Planner on Dec. 16, responded to all comments along with updated plans by Dec. 31. We received comments from BSC on storm water management last Friday, Jan. 9 and responded to those comments this morning, Jan. 12. We also got comments from fire this morning, and are in the process of discussing the assistant fire chief’s comments, and hope to resolve them very soon with the chief. That is where we stand. We have our consultants, Tighe and Bond here. They can talk about technical aspects of the project. I also have the check for the consultant.

**Nipun Jain:** Following up on the two issues, storm water and fire, comments: on storm water, I spoke with the PLB consultant on the responses from the applicant. They agree with what the responses are, but might call Tighe and Bond to discuss before issuing the final memo. So storm water issues are resolved. One caveat that BSC noted, that if there are changes to any access roads and the layout, then it might just be a matter of

documenting if there are any other changes to the storm water. It wasn't going to be significant in the minds of the PLB consultant. RE: fire department, I just passed out a concept plan that the deputy fire chief had passed to us, and I passed it on to the applicant, too. The primary concern related to having proper access to the greatest extent possible within the extent of the solar panel array. Since this is an emergency access, the fire department needs to be on board with it, and we're leaving it up to the applicant and fire to resolve that, as part of the regulations. We hope to have that issue resolved soon. No other outstanding issues exist at this time, and we have all the information that we need under the regulations. The applicant has either met these or will be signed off on shortly by technical staff. We want to close all other comments by the end of this week and make sure no outstanding issues come to the next meeting.

**David Frick:** I would ask if staff could draft recommendations so the board could make a decision at our next meeting.

**John Cullanane, 56 Bartlett's Reach:** I'm here on behalf of the trustees of Bartlett's Reach. I want the record to reflect that we submitted a letter to the chair, and a copy to the engineer representing the applicant. As the letter indicated, we're not opposed to this project. But we did have flowage concerns that may have already been addressed by the engineer with the PLB. I just wanted that as part of the record.

**David Frick:** We did get the letter. We reviewed it and most of us got it electronically and hard copy. It is a concern of ours to get that checked out, and we are having our internal consultant look at it, working with the engineers for the project to make sure it meets storm water appropriately.

**Nipun Jain:** Also, this project is being submitted to DEP as well, because it is an existing landfill, and they will be requiring under the law to demonstrate to DEP that there is no negative impact, storm water or otherwise, because of this project. So there will be another layer of review and sign off.

**Motion to continue this to the Jan. 26 meeting was made by Robert Laplante.**

**Motion was seconded by Lars Johannessen. AIF.**

## **NATIONAL GRID, 39 & 39A WATER STREET, 33 OAKLAND STREET, (LOT B) SITE PLAN REVIEW AND (3) SPECIAL PERMITS.**

### **WRAP UP OF TECHNICAL MATERIALS. (PH= 10/27/14)**

**Michael Jaimmo for National Grid:** We went to the tag meeting in Dec. We had a good meeting. In response to that meeting, at the request of the Planner and others, we submitted a list of permits which you've received, and we also submitted a draft of a communication plan, which you received, and we spent extensive time discussing truck routing and traffic. The planned route is the one in the application materials that you have. One discussion was with the police dept. to arrange for a police detail to address a tight turn on the truck route. Other than that, no significant issues arose.

**Nipun Jain:** To add a few things to that, we had a constructive discussion. To summarize: the project does not involve the construction of any building. It involves the environmental clean up as is required to be done by National Grid. As part of that, they are doing work that got approval from ConCom. They require state permits, which is the list that Mr. Jaimmo referred to, part of the requirements of the local regulation. They also now have access approval from the abutting property owner, Mr. Bartley. The



primary issue discussed was the truck route, especially at the intersection of Chestnut and Elm Street. It was really to assess what some of the turning radii would be, to make sure fire and police and DPW can sign off on that. It is not so much that it cannot happen, but asked for clarification, given the exact situation of Chestnut and Elm Street. That is what we need to have, making sure police and fire may or may not need any easement on private property, and if that is the case, how would you proceed. We also talked about a pole being located there. We're talking details at this time. They can be provided at a later date, but need to be signed off.

**Michael Jaimmo:** Makes sense to provide them at a later date, as part of the discussion also that we arrived with a solution with the police to the extent there is a tight turn there, one solution was to have a detail on duty whenever trucking is taking place.

**Nipun Jain:** The reason why we didn't have a concrete answer as to what is the turning radius is, they weren't sure of the truck size. As you get closer to construction phase, National Grid will work closely in informing the surrounding neighborhood of what could be anticipated as far as construction schedule, traffic disruption, how they will coordinate with various city officials and informing them in a timely manner, and to be made available to the neighborhood.

**Jason Naden, project manager with National Grid:** Those are construction details that we would have during the debating process, and at this point, based on the characterization and materials, there is a number of places that are suitable to take that, and that is a decision that we would make during the bidding process. But we got locations to major highways, and that would cover us in any instance.

**Lars Johannessen:** How many cubic yards?

**Jason Naden:** It's approximately 4500.

**Nipun Jain:** In the technical meeting, we were trying to nail down what city roads would they be using. That is what we wanted to nail down. It'll only be Elm Street, then it concerns state roads. If we need to, we'll work with DPW to make sure no other streets are affected. Re: fill removal and working in the wetland: the soil removal, truck traffic, bringing in clean soil, they already received approval from ConCom, so issues that would normally come up like storm water, environmental impacts, or working in jurisdictional areas were addressed as well as wetlands and flood plain. So issues that would normally come up have been resolved already. The technical issues have more or less been addressed. One issue that we could not address, but you alluded to it, the temporary closing of that section of the riverwalk in that section along with the alternate route that you provided, you can touch on that for the PLB.

**Jim Ash, consultant:** National Grid would have the obligation and will be part of the phase 4 completion report to specify the operation, maintenance, and inspection activities that would follow on after that. On city property, the inspection obligations are minor...just making sure that the wetland cap is still there, vegetation is coming back and performing in compliance with our original design. That is part of the whole package, and part of what we submit with our MCP documents. We went into great detail with ConCom and peer consultants re: the replacing vegetation would be native species, an invasive eradication program as part of it, in ratios that the army corps and consultants have specified.

**Nipun Jain:** That's where we are.

**Motion to continue was made to the January 26, 2015 meeting by Karen Solstad. Motion was seconded by Robert Laplante. AIF.**

**SHEA CONCRETE PRODUCTS, 87 &89 HAVERHILL ROAD, SITE PLAN / SPECIAL PERMIT, MAP 74, LOTS 8,7,9. SUBMITTED BY MILLENIUM ENG., INC. (PH= 10/27/14)**

**This hearing was postponed at the request of the applicant to the meeting on January 26, 2015.**

**Motion for the applicant's request for continuance to the Jan. 26 meeting was made by Scott Mandeville. Motion was seconded by Robert Laplante. AIF.**

**ADMINISTRATIVE:**

**9 WEST WHITEHALL ROAD, ACCOMPANYING AS-BUILT PLAN OF LAND AS REQUIRED BY THE SPECIAL PERMIT APPROVAL OF 9/12/11. REQUEST FOR BOND RELEASE. OWNERS: RICHARD AND DIANE ARCIERO, SUBMITTED BY CAMMETT ENGINEERING.**

**Nipun Jain:** The project is complete. The applicant has submitted the as-built as required for the special permit, and now they are making a request for the bond release. Mr. Arciero is here. I spoke with Woody Cammett from Cammett Engineering, who made the submittal and presented this request. We have sent it to the technical review group to issue a final sign off. We should have our recommendation on Jan. 20 and we'll bring it to the Jan. 26 meeting.

**David Frick:** So we will continue the administrative 9 West Whitehall Road request for bond release to the Jan. 26 meeting and to get the letter from the tech review to release the bond so we can take action on the 26<sup>th</sup>.

**Lars Johannessen:** So moved.

**Motion was seconded by Ted Semesnyei. AIF.**

Meeting was closed in order to have an Executive Session meeting at 9:47 PM

**EXECUTIVE SESSION called to order at 9:47pm.**

**Motion was made by Karen Solstad to close this executive session. Motion was seconded by Lars Johannessen. AIF.**

**Motion to adjourn executive session was made by Scott Mandeville. Motion was Seconded by Lars Johannessen. AIF.**

**Meeting was adjourned at 10:20 p.m.**

Per John Cullane: Attach this letter  
to P.B. minutes, Jan. 12<sup>th</sup>, 2015  
re: Bartlett's Reach &  
Hunt Rd. Solar

City Planner  
P. Board  
Scan  
file

January 7, 2015

JAN 7 15 11

Ted Semesnyei, Chair  
Amesbury Planning Board  
62 Friend Street  
Amesbury, MA 01913

In Re: Hunt Road Solar, LLC – Planning Board Agenda 1/12/2015

Dear Mr. Semesnyei:

We are writing on behalf of the 64 unit owners in the Bartlett's Reach Condominium Community to respectfully request your oversight in the approval process of the captioned application on several matters of special concern to us.

A resident of Bartlett's Reach with an engineering background attended the Planning Board session on 12/8/2014 on this application. Tigues & Bond were most courteous in providing him with a copy of their Site Plan Review Application which he subsequently shared with the Trustees.

Since we share a one-half-mile common boundary downstream from the project, it obviously drew our attention and due diligence. Overall, in view of what we consider manageable concerns, we support the project as a good economic utilization of the otherwise barren landfill.

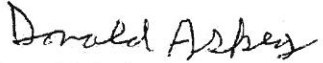
Our first concern is additional runoff from the site. A brook begins at the base of the landfill and traverses our property. This stream currently floods in high rain occurrences, and any additional runoff compromises the various culverts in Bartlett's Reach and could cause additional water accumulation and flooding on Pleasant Valley Road. Site construction will reduce the permeable area available for rain absorption. While the Site Plan Review Application referenced additional runoff as *de minimus*, it offered little detail as to why the construction and concrete anchors for the panels would not create additional runoff that could cause a problem downstream.

Our second concern involves the water quality of any additional runoff. We would ask for confirmation that the DEP has some oversight on this project as it involves a landfill that was closed in 1954 under very different conditions than would be required for current closures. Disturbance of the landfill during construction and in maintenance of the panels could compromise water quality downstream. Any additional toxicity would be a concern to resident units near the stream flowing from the landfill.

Our final concern suggests some requirement for post-construction monitoring. Since Bartlett's Reach will bear the brunt of any adverse impact from construction that will not really be known until after completion of said construction, a reasonable program or plan for periodic monitoring and testing for excess runoff and toxicity would appear prudent.

We appreciate any consideration you might give to our concerns as you move forward on the approval of this application.

On Behalf of the Trustees of Bartlett's Reach,



Donald Askey, Chairman

cc: Tighe&Bond  
177 Corporate Drive  
Portsmouth, NH 03801  
(by priority mail 1/7/2015)





## CITY OF AMESBURY

### SPEAKER REQUEST FORM

#### Planning Board - Conservation Commission - Zoning Board

(please circle one)

*ATTENTION: Please fill out this form and submit it to the Secretary*

Date Jan 12, 2015

Name Jim TAWIEKZE

Address 8 School St

City Amesbury State MA Zip 01913

Phone 978 834-6828

Matter on which you would like to speak: Amesbury Height

Please disclose any relationship you or a family member as well as any direct or indirect financial interest you may have with this matter:

none

Summary Jim Tawiekze

☐ I would like to speak

☐ I would like to submit written comment for public record.

Interested parties are encouraged to write their comments which have already been addressed.

**Instructions for public speakers:** Please limit time to 5 minutes, maximum 10 minutes. Please try to be concise and do not repeat comments already made by other members of the public.

Thank you for your input.



## CITY OF AMESBURY

### SPEAKER REQUEST FORM

#### Planning Board - Conservation Commission - Zoning Board

(please circle one)

*ATTENTION: Please fill out this form and submit it to the Secretary*

Date 11/12/15

Name Kirk Smith

Address 277 Elm St

City Amesbury

State MA

Zip 01913

Phone (978) 385-3636

Matter on which you would like to speak: Sign application

Please disclose any relationship you or a family member as well as any direct or indirect financial interest you may have with this matter:

owner of practice

Summary

to answer any question

re: submission / Application

☐ I would like to speak

☐ I would like to submit written comment for public record.

Interested parties are encouraged to write their comments which have already been addressed.

**Instructions for public speakers:** Please limit time to 5 minutes, maximum 10 minutes. Please try to be concise and do not repeat comments already made by other members of the public.

Thank you for your input.



## CITY OF AMESBURY

### SPEAKER REQUEST FORM

#### Planning Board - Conservation Commission - Zoning Board

(please circle one)

*ATTENTION: Please fill out this form and submit it to the Secretary*

Date 12 January 15

Name Dana Hathaway

Address 9 Swetts Hill

City Amesbury State MA Zip 01913

Phone (978) 500 9882

Matter on which you would like to speak: Hatters Point

Please disclose any relationship you or a family member as well as any direct or indirect financial interest you may have with this matter:

Summary letter to board

☒ I would like to speak

☒ I would like to submit written comment for public record.

Interested parties are encouraged to write their comments which have already been addressed.

**Instructions for public speakers:** Please limit time to 5 minutes, maximum 10 minutes. Please try to be concise and do not repeat comments already made by other members of the public.

Thank you for your input.

Dana & Barbara Hathaway  
9 Swetts Hill Amesbury, MA 01913

12 January 2015

Amesbury Planning Board  
Town Hall, 62 Friend Street  
Amesbury, MA 01913

Dear Members of Amesbury Planning Board,

This letter is to express our concerns regarding phase II development of the Hatter's Point Condominium.

A review of the BUILDING SECTIONS drawing A5.0 from the latest drawing package shows the largest and eastern most building in the proposed phase II is approximately 320 feet along Merrimac Street with a total height of 72 feet. This results in a wall along Merrimac Street that is approximately 56 feet high above the street running for 320 feet.

This figuratively and literally puts Merrimac Street and the adjacent neighborhood in the dark. We expect that a solar shadow study will show that this section of Merrimac Street and the R20 district houses opposite will be in sun shadow nearly all day for most of the winter. The Mammoth size and Mammoth style of this building do not in any way fit or compliment the R20 residential neighborhood it is being jammed into. Please note that the proposed phase II building sizes grow as you move away from the existing Phase I construction. Isn't this clearly saying that it does not belong with phase I as well?

We hope this spurs some discussion about the in the inappropriateness of placing such a huge structure, without setbacks or buffers, in a relatively small lot, that is surrounded by residential zoning. We also hope that this raises some overall questions about this kind of project concept in a PUD. Certainly, this is not the mixed use housing and small business mixture a PUD is widely promoted to provide.

Respectfully,  
Dana & Barbara Hathaway

Re: HATTER'S POINT



Brian Amero  
Kathleen McWilliams  
56 Merrimac Street  
Amesbury MA 01913

January 12, 2015

Amesbury Planning Board  
Ted Semesnyei Chair

Subject: Hatters Point Special Permit

We respectfully request the Amesbury Planning Board reject the Special Permit request to further increase the height of the Hatters Point development planned for 60 Merrimac Street beyond what is currently permitted. As an abutter, we are directly impacted.

We live in a neighborhood of smaller antique homes. The Hatters Point complex is already one of the largest buildings in the city. The proposed increase in height to the Hatters Point complex will create a towering structure adjacent to our home and in a residential neighborhood, throwing shadows on our home and greatly reducing privacy.

We purchased the property at 56 Merrimac Street in late 2006 and we understood further development was planned at 60 Merrimac Street. Permits were granted for the development around that time which increased the height of the building from its current height. We support and encourage finishing off the development of Hatters Point property using the height already permitted. We do not support increasing the beyond what is currently permitted. We do not believe the developer has provided a compelling reason to increase the height beyond what is currently permitted.

Other concerns related to the development include dust and vibration related to earth removal and construction. The foundation on our home is old and fragile. Steps should be taken by the contractor to reduce ground vibrations to prevent or reduce damage to our home. If any damage does occur, the contractor should be obligated to quickly repair any damage at their cost.

Due to past contamination of the site, dust from the site should be carefully and regularly monitored for heavy metal contaminants by an independent 3<sup>rd</sup> party. Results from the tests should be promptly posted and made available to the public. The contractor should be required to take steps which will mitigate the volume and impact of the dust generated.

Thank you for your time and consideration.

Sincerely,



Brian Amero



Kathleen McWilliams



# CITY OF AMESBURY

## SPEAKER REQUEST FORM

### Planning Board - Conservation Commission - Zoning Board

(please circle one)

*ATTENTION: Please fill out this form and submit it to the Secretary*

Date January 12, 2015

Name Brian Amers

Address 56 Merrimac St.

City Amesbury State MA Zip 01913

Phone (978) 930 4139

Matter on which you would like to speak: \_\_\_\_\_

Please disclose any relationship you or a family member as well as any direct or indirect financial interest you may have with this matter:

Abutter to Hatters Point

Summary Request denial for special permit to  
further increase height of the building

☒ I would like to speak

☒ I would like to submit written comment for public record.

Interested parties are encouraged to write their comments which have already been addressed.

**Instructions for public speakers:** Please limit time to 5 minutes, maximum 10 minutes. Please try to be concise and do not repeat comments already made by other members of the public.

Thank you for your input.